

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO.
v.	:	DATE FILED:
RASHIN OWENS,	:	VIOLATIONS:
a/k/a “Ro,”		
DAVID TUNNELL,	:	18 U.S.C. § 371 (conspiracy - 1 count)
a/k/a “Tom,”		18 U.S.C. § 1344 (bank fraud - 2 counts)
VICTOR O’CONNOR,	:	18 U.S.C. § 1028A (aggravated identity
a/k/a “Vic,”		theft - 4 counts)
CLARISSA GAVIN,	:	18 U.S.C. § 2 (aiding and abetting)
DAMOON HOSSEINZADAH		Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Commerce Bank was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, certificate number 21140.
2. Citizens Bank was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, certificate number 57282.
3. Defendant DAMOON HOSSEINZADEH worked as a salesman for New Concept Inc., a car dealership located at Norristown, Pennsylvania, where he had access to means of the identity information of the dealership’s customers, including names, social security numbers, driver’s license numbers, dates of birth, and bank account information.

4. Defendant CLARISSA GAVIN worked as a teller for Citizens Bank at a branch located at Wayne, Pennsylvania, where she had access to the identity information of the bank's customers, including names, social security numbers, dates of birth, and account numbers, as well as account balance information.

5. From in or about March 2007 through on or about May 15, 2007, in Philadelphia, in the Eastern District of Pennsylvania, the District of New Jersey, the Eastern District of New York, and elsewhere, defendants

**RASHIN OWENS,
a/k/a "Ro,"
DAVID TUNNELL,
a/k/a "Tom,"
VICTOR O'CONNOR,
a/k/a "Vick,"
CLARISSA GAVIN, and
DAMOON HOSSEINZADEH,**

conspired and agreed together to commit offenses against the United States, that is, to knowingly execute and attempt to execute a scheme to defraud Commerce Bank and Citizens Bank, in violation of Title 18, United States Code, Sections 1344, and to knowingly and without lawful authority use a means of identification of another person, during and in relation to a bank fraud, in violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5).

MANNER AND MEANS

6. It was part of the conspiracy that the five defendants used stolen identification information to cash fraudulent checks and split the proceeds.

It was further part of the conspiracy that:

7. Defendants RASHIN OWENS and DAVID TUNNELL paid for stolen identification information and used that information to create and cash fraudulent checks.

8. Defendant VICTOR O'CONNOR recruited an employee of Citizens Bank to sell to defendant O'CONNOR and defendants RASHIN OWENS and DAVID TUNNELL account numbers, account balances, and the names, addresses and social security numbers of Citizens Bank account holders.

9. Defendant CLARISSA GAVIN used her position at Citizens Bank to improperly access computerized account information for Citizens Bank account holders and provided defendants VICTOR O'CONNOR, RASHIN OWENS and DAVID TUNNELL with names, addresses, social security numbers, dates of birth, and account numbers of Citizens Bank account holders with account balances of more than \$20,000.00, and also provided defendants O'CONNOR, OWENS and TUNNELL with account information for Citizens Bank account numbers given to her by defendants O'CONNOR and OWENS.

10. Defendant DAMOON HOSSEINZADEH used his position at New Concept Inc. to improperly access customer files for New Concept Inc. customers and provided defendants VICTOR O'CONNOR, RASHIN OWENS and DAVID TUNNELL with names, addresses, social security numbers, dates of birth, driver's license numbers and bank account numbers of customers of New Concept Inc.

11. Defendant RASHIN OWENS, with the assistance of defendants DAVID TUNNELL and VICTOR O'CONNOR, purchased names, addresses, social security numbers, dates of birth, driver's license numbers, and bank account information for account holders of Citizens Bank and Commerce Bank from defendants CLARISSA GAVIN and DAMOON HOSSEINZADEH.

12. Defendant RASHIN OWENS instructed defendant DAMOON HOSSEINZADEH to use code words when they discussed account balances, dates of birth, social security numbers and driver's license numbers.

13. Defendant RASHIN OWENS instructed defendant DAMOON HOSSEINZADEH on how to use the 1-800 automated telephone systems of the banks to access customer account information and learn about the available account balances of bank customers.

14. Defendant RASHIN OWENS accessed customers' account information provided to him using the 1-800 automated telephone systems of Citizens Bank and Commerce Bank.

15. With the information purchased from defendants CLARISSA GAVIN and DAMOON HOSSEINZADEH, defendant RASHIN OWENS arranged for the manufacture of false photographic identifications in the name of customers of the banks, using the picture of defendant DAVID TUNNELL on those false identifications, and then provided the customer account information, false identifications, and counterfeit checks made payable to those customers to defendant TUNNELL.

16. Defendant DAVID TUNNELL acted as a "check-runner," someone who posed as customers of the banks and cashed or attempted to cash checks made payable to those customers, or withdrew or attempted to withdraw money from those customers' accounts, totaling an amount in excess of \$80,000.00.

17. In the capacity of “check-runner,” defendant DAVID TUNNELL obtained from defendant RASHIN OWENS false photographic identification in the names of the banks’ customers, with his picture on those false identifications, and used those false identifications to cash or attempt to cash counterfeit checks made payable to those customers, or withdrew or attempted to withdraw money from those customers’ accounts.

18. By this scheme, defendants RASHIN OWENS and DAVID TUNNELL obtained approximately \$55,900.00 from the cashing of fraudulent checks, defendant VICTOR O’CONNOR was paid approximately \$2,000.00, defendant CLARISSA GAVIN was paid approximately \$900.00, and defendant DAMOON HOSSEINZADEH was paid approximately \$3,200.00.

OVERT ACTS

In furtherance of the conspiracy, defendants RASHIN OWENS, DAVID TUNNELL, VICTOR O’CONNOR, CLARISSA GAVIN and DAMOON HOSSEINZADEH committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

1. On or about March 17, 2007, defendant VICTOR O’CONNOR recruited defendant CLARISSA GAVIN to improperly access computerized account information for customers of Citizens Bank and provide him with names, addresses, social security numbers, dates of birth, and account numbers for Citizens Bank customers who had account balances in excess of \$20,000.00 in exchange for \$1,000.00 per account.

2. On or about March 18, 2007, defendant VICTOR O’CONNOR, via cell phone text messaging, provided defendant CLARISSA GAVIN with Citizens Bank account numbers for which he wanted account information.

3. On or about March 18, 2007, defendant CLARISSA GAVIN used her position at Citizens Bank to improperly access the Citizens Bank computer system and obtain account information on the account numbers given to her by defendant VICTOR O'CONNOR, and then provided that account information to defendant O'CONNOR.

4. On or about March 25, 2007, defendants RASHIN OWENS, DAVID TUNNELL, VICTOR O'CONNOR, CLARISSA GAVIN and DAMOON HOSSEINZADEH met so that defendant OWENS could explain to defendants GAVIN and HOSSEINZADEH how the counterfeit check cashing scheme operated, give defendant GAVIN approximately ten additional Citizens Bank account numbers for which he wanted her to provide account information, pay defendant GAVIN approximately \$900.00 for the account information she had already provided, and give defendant HOSSEINZADEH approximately \$1,000.00 for account information to be provided in the future.

5. From on or about March 25, 2007 through on or about March 27, 2007, defendant DAMOON HOSSEINZADEH used his position at New Concept Inc. to improperly gain access to the customer files of New Concept Inc. He then stole names, addresses, social security numbers, dates of birth, driver's license numbers, and bank account numbers for approximately twenty New Concept Inc. customers from those customer files, and accessed approximately six customers' bank account information using the 1-800 automated telephone systems of Citizens Bank and Commerce Bank to obtain those customers' account balances.

6. On or about March 27, 2007, defendant DAMOON HOSSEINZADEH met with defendants RASHIN OWENS, DAVID TUNNELL and VICTOR O'CONNOR, gave defendant OWENS the names, addresses, social security numbers, dates of birth, driver's license numbers, and bank account numbers for approximately twenty New Concept Inc. customers that he had stolen from New Concept Inc.'s customer files. Defendant OWENS paid defendant HOSSEINZADEH approximately \$600 for the stolen identity information.

7. From on or about March 26, 2007 through on or about April 2, 2007, defendant CLARISSA GAVIN used her position at Citizens Bank to improperly gain access to the Citizens Bank computer system. She then stole account information on the approximately ten account numbers given to her by defendant RASHIN OWENS and also took names, addresses, social security numbers, dates of birth, and account numbers for approximately ten additional Citizens Bank customers.

8. On or about April 3, 2007, defendants DAMOON HOSSEINZADEH and VICTOR O'CONNOR spoke by telephone to discuss the sale of New Concept Inc.'s customers' stolen account information.

9. On or about April 3, 2007, defendant DAMOON HOSSEINZADEH met with defendants RASHIN OWENS and DAVID TUNNELL, gave defendant OWENS the Citizens Bank customer account information that defendant CLARISSA GAVIN had stolen, and was paid approximately \$900 by defendant OWENS for that information.

10. From on or about March 30, 2007, to on or about April 26, 2007, defendant DAVID TUNNELL, posing as various Citizens Bank and Commerce Bank customers and carrying false identification, visited various Citizens Bank and Commerce Bank branches and cashed and attempted to cash counterfeit checks, and withdrew or attempted withdraw money from customers' accounts, totaling at least \$83,000.

11. On or about May 4, 2007, defendants RASHIN OWENS and DAMOON HOSSEINZADEH spoke by telephone to discuss the purchase by defendant OWENS of stolen bank account information of additional customers from defendant HOSSEINZADEH.

12. On or about May 15, 2007, defendants RASHIN OWENS and DAMOON HOSSEINZADEH arranged the purchase of additional stolen identity information. Defendants OWENS and DAVID TUNNELL met with defendant HOSSEINZADEH, paid defendant HOSSEINZADEH \$500.00, and agreed to pay defendant HOSSEINZADEH an additional \$2,000.00, for what they believed to be stolen customer information.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1-4 and 6-18 , and overt acts 4-6 and 8-12 of Count One are realleged here.

2. From on or about March 17, 2007, through on or about May 15, 2007, in the Eastern District of Pennsylvania, the District of New Jersey and elsewhere, defendants

**RASHIN OWENS,
a/k/a “Ro,”
DAVID TUNNELL,
a/k/a “Tom,”
VICTOR O’CONNOR,
a/k/a “Vick,”
CLARISSA GAVIN, and
DAMOON HOSSEINZADEH**

knowingly executed, attempted to execute, and aided and abetted the execution of, a scheme to defraud Commerce Bank, and to obtain monies owned by and under the care, custody, and control of that bank by means of false and fraudulent pretenses, representations, and promises.

THE SCHEME

3. The defendants used stolen account information and false identification documents to cash fraudulent checks and share the proceeds.

4. In furtherance of the scheme, defendant DAVID TUNNELL cashed or attempted to cash the following counterfeit checks and made or attempted to make the following fraudulent withdrawals:

<u>DATE</u>	<u>LOCATION</u>	<u>VICTIM ACCOUNT HOLDER</u>	<u>AMOUNT</u>
3/30/07	Pennsauken, NJ	K.A.	\$4,700.00
3/31/07	Cherry Hill, NJ	K.A.	\$5,700.00
4/02/07	Pennsauken, NJ	K.A.	\$5,000.00
4/04/07	Pennsauken, NJ	K.A.	\$4,500.00
4/06/07	Pennsauken, NJ	K.A.	\$9,000.00
4/07/07	Pennsauken, NJ	K.A.	\$9,000.00

All in violation of Title 18, United States Code, Sections 1344 and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2-4 and 6-18 and overt acts 1-12 of Count One are realleged here.

2. From on or about March 17, 2007, through on or about May 15, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**RASHIN OWENS,
a/k/a "Ro,"
DAVID TUNNELL,
a/k/a "Tom,"
VICTOR O'CONNOR,
a/k/a "Vick,"
CLARISSA GAVIN, and
DAMOON HOSSEINZADEH**

knowingly executed, attempted to execute, and aided and abetted the execution of, a scheme to defraud Citizens Bank, and to obtain monies owned by and under the care, custody, and control of that bank by means of false and fraudulent pretenses, representations, and promises.

THE SCHEME

3. The defendants used stolen account information and false identification documents to cash fraudulent checks or make fraudulent withdrawals and share the proceeds:

4. In furtherance of the scheme, defendant DAVID TUNNELL cashed or attempted to cash the following counterfeit checks and made or attempted to make the following fraudulent withdrawals:

<u>DATE</u>	<u>LOCATION</u>	<u>VICTIM ACCOUNT HOLDER</u>	<u>AMOUNT</u>
4/16/07	Royersford, PA	Bru. B.	\$4,500.00
4/17/07	Royersford, PA	Bru. B.	\$4,500.00

4/18/07	Yonkers, NY	G.W.	\$15,000.00
4/19/07	Royersford, PA	Bru. B.	\$4,200.00
4/19/07	Royersford, PA	Bru. B.	\$4,900.00
4/25/07	New Rochelle, NY	Bri. B.	\$3,000.00
4/26/07	New Rochelle, NY	Bru. B.	\$9,000.00

All in violation of Title 18, United States Code, Sections 1344 and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 16, 2007 through on or about April 19, 2007, in the Eastern District of Pennsylvania, defendants

**RASHIN OWENS,
a/k/a “Ro,”
DAVID TUNNELL,
a/k/a “Tom,”
VICTOR O’CONNOR,
a/k/a “Vick,”
CLARISSA GAVIN, and
DAMOON HOSSEINZADEH**

knowingly and without lawful authority possessed and used, attempted to use, and aided and abetted the use of, a means of identification of another person, that is, Bru. B., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 18, 2007, in the Eastern District of Pennsylvania and the Eastern District of New York, defendants

**RASHIN OWENS,
a/k/a “Ro,”
DAVID TUNNELL,
a/k/a “Tom,”
VICTOR O’CONNOR,
a/k/a “Vick,”
CLARISSA GAVIN, and
DAMOON HOSSEINZADEH**

knowingly and without lawful authority possessed and used, attempted to use, and aided and abetted the use of, a means of identification of another person, that is, G.W., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 25, 2007 through on or about April 26, 2007, in the Eastern District of Pennsylvania and the Eastern District of New York, defendants

**RASHIN OWENS,
a/k/a “Ro,”
DAVID TUNNELL,
a/k/a “Tom,”
VICTOR O’CONNOR,
a/k/a “Vick,”
CLARISSA GAVIN, and
DAMOON HOSSEINZADEH**

knowingly and without lawful authority possessed and used, attempted to use, and aided and abetted the use of, a means of identification of another person, that is, Bri. B., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 30, 2007 through on or about April 7, 2007, in the Eastern District of Pennsylvania and District of New Jersey, defendants

**RASHIN OWENS,
a/k/a "Ro,"
DAVID TUNNELL,
a/k/a "Tom,"
VICTOR O'CONNOR,
a/k/a "Vick,"
CLARISSA GAVIN, and
DAMOON HOSSEINZADEH**

knowingly and without lawful authority possessed and used, attempted to use, and aided and abetted the use of, a means of identification of another person, that is, K.A., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

NOTICE OF FORFEITURE

1. As a result of the violations of Title 18, United States Code, Sections 1344 and 1028A, set forth in this indictment, defendants

**RASHIN OWENS,
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DAVID TUNNELL,
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VICTOR O’CONNOR,
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DAMOON HOSSEINZADEH**

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses, as charged in this indictment, including, but not limited to, the sum of \$83,000.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(2).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney